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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,548	09/15/2000	Nobuyuki Kita	019519-267	1924

7590 11/27/2002

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EXAMINER

GILLIAM, BARBARA LEE

ART UNIT

PAPER NUMBER

1752

DATE MAILED: 11/27/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/662,548	KITA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Barbara Gilliam	1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on amendment filed 6/6/02.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed June 6, 2002 has been considered.
2. The 35 USC 102(e) rejection over US Patent No. 6,210,857 is withdrawn in light of the amendment.
3. Claims 1-5 are pending.

***Priority***

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeersch et al in view of Gardner et al.
  - a. In US Patent No. 6,210,857, Vermeersch et al claim a heat-sensitive imaging element for providing a lithographic printing plate, comprising a lithographic base with a hydrophobic oleophilic surface and a top layer comprising a compound capable of converting light into heat and a hydrophilic polymer, characterized in that the

hydrophilic polymer is crosslinked (claim 1). The top layer comprises colloidal silica (claim 7), which may be in the form of any commercially available water-dispersion of colloidal silica (column 5, lines 6-22). The colloidal silica meets the present limitations for the colloidal sol (colloid in solution) because it can be any commercially available water-dispersion of colloidal silica. As hydrophilic binder, there may be used homopolymers and copolymers of vinyl alcohol, acrylamide, methylol acrylamide, methylol methacrylamide, acrylic acid, methacrylic acid, hydroxyethyl acrylate, hydroxyethyl methacrylate or maleic anhydride/vinylmethylether copolymers (column 4, lines 55-65). In Example 1, 13-wt% of the solid content of the coating solution is hydrophilic binder.

b. Vermeersch et al do not teach a protective cover layer however it would have been obvious to incorporate a protective cover layer based on the teachings of Gardner, Jr. et al. In US Patent No. 5,939,237, Gardner, Jr. et al teach a no-process printing plate forming photosensitive article having a protective top coat layer. The protective top layer may provide the no-process printing plate with protection from contamination during handling, improved suppression of odors during imaging and improved roll-up performance on press. The hydrophilic protective top coat layer is removed on press by action of the fountain solution and/or ink (abstract & column 8, lines 6 – 60).

c. Therefore it would have been *prima facie* obvious to one of ordinary skill in the art to coat the imaging element of Vermeersch et al with a protective cover layer to protect the imaging element from contamination during handling based on the teachings of Gardner, Jr. et al wherein the imaging element comprises a lithographic

base with a hydrophobic oleophilic surface and a top layer comprising a compound capable of converting light into heat and a crosslinked hydrophilic polymer.

***Response to Arguments***

7. Applicant's arguments filed June 6, 2002 have been fully considered but they are not persuasive.

a. Applicant has argued that Vermeersch et al does not render obvious the invention defined in the present claims because the teaching of a top layer comprising the compound capable of converting light into heat and the crosslinked hydrophilic layer would tend to suggest that a further layer is not in order. The Examiner respectfully disagrees. As pointed out in the rejection above, it is very common in the printing plate art to provide a protective layer on the imageable surfaces of printing plates precursors. Gardner, Jr. et al specifically teaches a protective layer that reduces odor in addition to protecting the plate from contamination. Teng also supports this position. In US Patent No. 6,387,595, Teng teaches an on-press developable lithographic printing plate comprising an ultrathin overcoat.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. In US Patent No. 6,383,692, Leenders et al teach a material, which is suitable for making a flexographic printing plate, and comprises in the order given, a base, a photopolymer layer and a photothermographic or themographic recording layer.

b. In US Patent No. 6,238,838, Gaschler et al a positive-working, radiation-sensitive mixture. To protect the surface of the recording material, in particular from mechanical action, an overcoat can also be applied (column 6, lines 41-60).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara Gilliam whose telephone number is 703-305-1330. The examiner can normally be reached on Monday through Thursday.

a. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Baxter can be reached on 703-308-2303. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

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872-9310 for regular communications and 703-872-9311 for After Final  
communications.

b. Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the receptionist whose telephone number is 703-  
308-0661.

*[Signature]*

BG  
November 20, 2002

*[Signature]*  
JANET BAXTER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700